

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

In re: ALEXANDER LOUIS BEDNAR,

BAP No. 18-99

2018 DEC -5 P 1:28

Debtor.

Case Number: 15-11916 TRC
Chapter 7

FRANK PRICE, CLERK
U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF OK
DEPUTY

Alexander L. Bednar
Plaintiff

Adv. Proc. No: 18-1096

v

Franklin American Mortgage Company
Federal National Mortgage Association
Oklahoma County Sheriff
RCB Bank
Defendants

AMENDED

Designation of Items to be Included in the Record on Appeal

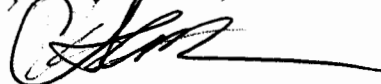
Appellant Alexander Bednar pursuant to Federal Rule of Bankruptcy
Procedure
[Appellant or Appellee]

8009(a), hereby designates the following items to be included in the record on appeal:

1. Please see the attached docket sheet with items circled ; PLEASE NOTE
THAT APPELLANT / DEBTOR HAS PAID FOR AND IS AWAITING TRANSCRIPT

Note: Many bankruptcy courts allow a party to file a copy of the docket report, with the selected items indicated with a circle or asterisk. Check with your local bankruptcy court for any applicable requirements of form.

Respectfully submitted,



Alexander Bednar
15721 Via Bella
Edmond, OK 73013
405 420 9030
Representing Plaintiff (self) / Appellant

DISMISSED, APPEAL

**U.S. Bankruptcy Court
Western District of Oklahoma (Oklahoma City)
Adversary Proceeding #: 18-01096**

Assigned to: Tom R. Cornish

Date Filed: 10/17/18

Lead BK Case: 15-11916

Date Dismissed: 11/09/18

Lead BK Title: Alexander Louis Bednar

Lead BK Chapter: 7

Demand:

Nature[s] of Suit: 72 Injunctive relief - other

Plaintiff

Alexander L. Bednar
15721 Via Bella
Edmond, OK 73013

represented **Alexander L. Bednar**
by PRO SE

V.

Defendant

**Franklin American
Mortgage Company**

represented **Franklin American Mortgage Company**
by PRO SE

Defendant

**Federal National
Mortgage Association**

represented **Jim Timberlake**
by Baer & Timberlake PC
4200 Perimeter Center Drive, Suite 100
Oklahoma City, OK 73112
(405) 842-7722
Email: jim@baer-timberlake.com

Defendant

**Oklahoma County
 Sheriff**

represented **Carri A Remillard - Paper Filer**
 by Assistant District Attorney
 320 Robert S Kerr Suite 505
 Oklahoma City, OK 73102
 (405) 713-1600
LEAD ATTORNEY

Defendant

RCB Bank

represented **Scott P. Kirtley**
 by Riggs, Abney
 502 West 6th Street
 Tulsa, OK 74119-1016
 (918) 587-3161
 Fax : (918) 587-9708
 Email: skirtleyattorney@riggsabney.com

Filing Date	#	Docket Text
10/17/2018	<u>1</u> (129 pgs)	Adversary case 18-01096. (72 (Injunctive relief - other)} Complaint by Alexander L. Bednar against Franklin American Mortgage Company, Federal National Mortgage Association, Oklahoma County Sheriff. Exempt from fees. (mmorg, ca) (Entered: 10/17/2018)
10/17/2018	<u>2</u> (2 pgs)	Cover Sheet for Complaint Filed by Alexander L. Bednar (RE: related document(s) <u>1</u> Complaint). (mmorg, ca) (Entered: 10/17/2018)
10/17/2018	<u>3</u> (1 pg)	Summons Issued on Franklin American Mortgage Company.

		(mmorg, ca) (Entered: 10/17/2018)
10/17/2018	<u>4</u> (1 pg)	Summons Issued on Federal National Mortgage Association. (mmorg, ca) (Entered: 10/17/2018)
10/17/2018	<u>5</u> (1 pg)	Summons Issued on Oklahoma County Sheriff. (mmorg, ca) (Entered: 10/17/2018)
10/18/2018	<u>6</u> (1 pg)	<i>Debtors Waiver of Conflict</i> Filing was Authorized. Filed by Alexander L. Bednar. (aserj, ca) (Entered: 10/18/2018)
10/18/2018	<u>7</u> (3 pgs)	Summons Service Executed Party Served: Franklin American Mortgage Company Date Served: 10/18/18 Type of Service: Personal Service (aserj, ca) (Entered: 10/18/2018)
10/18/2018	<u>8</u> (3 pgs)	Summons Service Executed Party Served: Oklahoma County Sheriff Date Served: 10/18/18 Type of Service: Personal Service (aserj, ca) (Entered: 10/18/2018)
10/18/2018	<u>9</u> (1 pg)	<i>Waiver of Conflict</i> Filing was Authorized. Filed by Alexander L. Bednar. (aowen, ca) (Entered: 10/18/2018)
10/18/2018	<u>10</u> (1 pg)	<i>Motion for Immediate Audience with the Court.</i> Filed by Alexander L. Bednar (aowen, ca) (Entered: 10/18/2018)
10/19/2018	11	Virtual Minutes of Hearing held on: 10/19/2018 Subject: CONFLICT WAIVER FILED 10/18/18 (DOC 9)-JUDGE HALL

		<p>HEARING FOR JUDGE CORNISH EMERGENCY MOTION (DOC 10) FILED BY PLAINTIFF (PRO SE).</p> <p>Appearances: ALEXANDER LOUIS BEDNAR, PLAINTIFF, PRO SE.</p> <p>Proceedings Electronically Recorded by: ECR ONLY</p> <p>Proceedings: Conflict Waiver filed 10/18/18 (Doc 9). Judge Hall heard matter for Judge Cornish. For the reasons stated on the record, the emergency motion (Doc 10) is denied. Order to be entered by the Court. (vCal Hearing ID (192487)). (related document(s) <u>10</u>) (dcalv) (Entered: 10/22/2018)</p>
10/22/2018		Judge Sarah A. Hall added to case. Involvement of Judge Tom R. Cornish Terminated. (jtho) (Entered: 10/22/2018)
10/22/2018		Judge Tom R. Cornish added to case. Involvement of Judge Sarah A. Hall Terminated. (jtho) (Entered: 10/22/2018)
10/22/2018	<u>12</u> (4 pgs; 2 docs)	Order Denying Motion <i>Emergency</i> (Related Doc # <u>10</u>) Signed by Judge Hall. Time signed: 14:18 cc: All interested parties. Service by je Date: 10/22/2018 (jebe, ca) (Entered: 10/22/2018)
10/23/2018	<u>13</u> (3 pgs)	<i>Supplemental Petition</i> Filing was Authorized. Filed by Alexander L. Bednar. (jebe, ca) (Entered: 10/23/2018)
10/23/2018	<u>14</u> (1 pg)	Summons Issued on RCB Bank. (jebe, ca) (Entered: 10/23/2018)

10/23/2018	<u>15</u> (32 pgs)	Request for Hearing <i>Request for Expedited Hearing and Shortened Response Time Regarding Injunction Pending Hearing on the Merits</i> With Certificate of Service, With Notice and Opportunity for Hearing, Filed by Alexander L. Bednar. (jebe, ca) (Entered: 10/24/2018)
10/23/2018	<u>16</u> (4 pgs)	Summons Service Executed Party Served: Federal National Mortgage Association Date Served: 10/23/2018 (jebe, ca) (Entered: 10/24/2018)
10/24/2018	<u>17</u> (4 pgs)	BNC Certificate of Mailing. (RE: related document(s) <u>12</u> Order on Motion For Miscellaneous Relief) No. of Notices: 1. Notice Date 10/24/2018. (Admin.) (Entered: 10/24/2018)
10/25/2018	<u>18</u> (1 pg)	Certificate of Service Filed by Alexander L. Bednar (RE: related document(s) <u>13</u> Generic Document, <u>15</u> Request for Hearing). (jebe, ca) (Entered: 10/25/2018)
10/25/2018	<u>19</u> (2 pgs)	Certificate of Service Filed by Alexander L. Bednar (RE: related document(s) <u>15</u> Request for Hearing). (jebe, ca) (Entered: 10/25/2018)
10/25/2018	<u>20</u> (3 pgs)	Summons Service Executed Party Served: RCB Bank Date Served: October 24, 2018 (jebe, ca) (Entered: 10/25/2018)
10/25/2018	<u>21</u> (11 pgs)	<i>Brief in Support of Motion to Shorten Notice and Time During Which Parties at Interest May Object to Debtor's Motion for Expedited Hearing Regarding Injunction</i>

		<i>Pendent Lite and Brief in Support Thereof</i> with Certificate of Service. Filing was Authorized. Filed by Alexander L. Bednar (RE: related document(s) <u>15</u> Request for Hearing). (jebe, ca) (Entered: 10/25/2018)
10/25/2018	<u>22</u> (4 pgs)	Affidavit with Certificate of Service <i>In Support of Shortening Time and Notice Periods</i> . Filed by Alexander L. Bednar (RE: related document(s) <u>15</u> Request for Hearing). (dcus, ca) (Entered: 10/25/2018)
10/29/2018	<u>23</u> (3 pgs; 2 docs)	Order to Set Hearing Signed by Judge Cornish. Time signed: 13:48 cc: All interested parties. Service by je Date: 10/29/2018 (RE: related document(s) <u>15</u> Request for Hearing filed by Plaintiff Alexander L. Bednar). Hearing to be held on 11/1/2018 at 10:15 AM Telephonically for <u>15</u> , (jebe, ca) (Entered: 10/29/2018)
10/31/2018	<u>24</u> (7 pgs)	Response to (related document(s): <u>1</u> Complaint filed by Plaintiff Alexander L. Bednar) . Filed by Jim Timberlake of Baer & Timberlake PC on behalf of Federal National Mortgage Association with Certificate of Service (Timberlake, Jim) (Entered: 10/31/2018)
10/31/2018	<u>25</u> (2 pgs)	Notice of Appearance and Request for Notice with Certificate of Service Filed by Carri A Remillard - Paper Filer of Assistant District Attorney on behalf of Oklahoma County Sheriff. (jebe, ca) (Entered: 10/31/2018)

10/31/2018	<u>26</u> (10 pgs)	Response to (related document(s): <u>1</u> Complaint filed by Plaintiff Alexander L. Bednar) . Filed by Carri A Remillard - Paper Filer of Assistant District Attorney on behalf of Oklahoma County Sheriff with Certificate of Service (jebe, ca) (Entered: 10/31/2018)
10/31/2018	<u>27</u> (10 pgs)	Motion to Dismiss Adversary Proceeding with Certificate of Service Filed by Carri A Remillard - Paper Filer of Assistant District Attorney on behalf of Oklahoma County Sheriff (jebe, ca) (Entered: 10/31/2018)
10/31/2018	<u>28</u> (8 pgs)	Notice of Appearance and Request for Notice <i>and Reponse to Request for Hearing and Shortened Response Time Regarding Injunction Pending Hearing on Merits</i> with Certificate of Service Filed by Scott P. Kirtley of Riggs, Abney on behalf of RCB Bank. (Kirtley, Scott) (Entered: 10/31/2018)
10/31/2018	<u>29</u> (20 pgs)	Brief/Memorandum In Support with Certificate of Service <i>with Notice of Opportunity of Hearing. Memorandum of Law in Support of Debtor's Request for Injunction Pendent Lite and this Court's Ability to Issue Injunctive Relief.</i> Filed by Alexander L. Bednar (RE: related document(s) <u>1</u> Complaint). (jebe, ca) (Entered: 10/31/2018)
10/31/2018	<u>30</u> (2 pgs)	Statement of Corporate Ownership filed. Filed by Scott P. Kirtley of Riggs, Abney on behalf of RCB Bank. (Kirtley, Scott) (Entered: 10/31/2018)

10/31/2018	<u>31</u> (10 pgs; 2 docs)	Certificate of Service Filed by Jim Timberlake of Baer & Timberlake PC on behalf of Federal National Mortgage Association (RE: related document(s) <u>24</u> Response). (Attachments: # <u>1</u> Exhibit Filed Response to Plaintiff's Request) (Timberlake, Jim) (Entered: 10/31/2018)
10/31/2018	<u>32</u> (3 pgs)	BNC Certificate of Mailing. (RE: related document(s) <u>23</u> Order to Set Hearing) No. of Notices: 1. Notice Date 10/31/2018. (Admin.) (Entered: 10/31/2018)
11/01/2018		Court Correction Advisory: Docket Entry 31 Certificate of Service: The PDF image contains a prefix of Corrected that is not indicated in the docket text. No further action is needed at this time. (dwebs, ca) (Entered: 11/01/2018)
11/01/2018	<u>33</u>	Virtual Minutes of Hearing held on: 11/01/2018 Subject: TELEPHONIC HEARING RE: REQUEST FOR EXPEDITED HEARING AND SHORTENED RESPONSE TIME REGARDING INJUNCTION PENDING HEARING ON THE MERITS FILED BY PLAINTIFF (PRO SE) BRIEF IN SUPPORT OF MOTION TO SHORTEN NOTICE AND TIME DURING WHICH PARTIES AT INTEREST MAY OBJECT TO DEBTOR'S MOTION FOR EXPEDITED HEARING REGARDING INJUNCTION PENDING LITE FILED BY PLAINTIFF (DOC 21) (PRO SE) RESP (DOC 24): FEDERAL NATIONAL MORTGAGE

ASSOCIATION (JIM
TIMBERLAKE)RESP (DOC 26): THE
OKLAHOMA COUNTY SHERIFF
(CARRI A. REMILLARD)RESP (DOC
28): RCB BANK (SCOTT P.
KIRTLEY)MEMORANDUM OF LAW
IN SUPPORT OF DEBTOR'S
REQUEST FOR INJUNCTION
PENDENT LITE AND THIS COURT'S
ABILITY TO ISSUE INJUNCTIVE
RELIEF FILED BY PLAINTIFF (DOC
29) (PRO SE).

Appearances: Alexander L. Bednar,
Plaintiff;Special Entries of
Appearance by: Jim Timberlake on
behalf of Defendants Federal
National Mortgage Association and
Franklin American Mortgage;Carri A.
Remillard for Defendant Oklahoma
County Sheriff; Scott K. Kirtley on
behalf of Defendant RCB Bank(NOTE:
Mr. Timberlake was retained by
Franklin American shortly before the
hearing).

Proceedings Electronically

Recorded by: DENISE MORROW

Proceedings: Matter taken under
advisement. Plaintiff given until 4:00
p.m. November 2, 2018 to file replies
and responses to motions to dismiss.
(vCal Hearing ID (192848)). (related
document(s)15) (dcalv) (Entered:
11/01/2018)

34
(7 pgs)

11/01/2018

Motion to Dismiss Adversary
Proceeding *with Prejudice* with
Certificate of Service Filed by Jim
Timberlake of Baer & Timberlake PC
on behalf of Federal National
Mortgage Association (aowen, ca)
(Entered: 11/01/2018)

11/01/2018		Court Correction Advisory: Docket Entry 24 Response: The document also contains Motion to Dismiss with Prejudice. All events must be selected at the time of filing. The clerk's office has docketed the Motion to Dismiss with Prejudice as docket entry 34. No further action is needed at this time. (aowen, ca) (Entered: 11/01/2018)
11/02/2018	<u>35</u> (1 pg)	Notice <i>That Franklin American Mortgage Has Not Responded By October 31</i> Filed by Alexander L. Bednar. (jebe, ca) (Entered: 11/02/2018)
11/02/2018	<u>36</u> (36 pgs)	Objection to (related document(s): <u>26</u> Response filed by Defendant Oklahoma County Sheriff) <i>Objection to Defendant Sheriff's Response and Failure to Address Key Questions of Unlawfully Augmenting Credit on Judgment at Sheriff Sales; Request to Strike Pleading for Inappropriate Ad Hominem Abuse of Attorney: And Suggestion of Questions to Ask Sheriff in Discovery and to Certify to Oklahoma Supreme Court.</i> Filed by Alexander L. Bednar with Certificate of Service with Notice and Opportunity for Hearing, (jebe, ca) (Entered: 11/02/2018)
11/02/2018	<u>37</u> (9 pgs)	Amended Complaint by Alexander L. Bednar against Federal National Mortgage Association, Franklin American Mortgage Company, Oklahoma County Sheriff, RCB Bank with Certificate of Service. (RE: related document(s) <u>1</u> Adversary case 18-01096. (72 (Injunctive relief - other))} Complaint by Alexander L.

		Bednar against Franklin American Mortgage Company, Federal National Mortgage Association, Oklahoma County Sheriff. Exempt from fees. filed by Plaintiff Alexander L. Bednar). (jebe, ca) (Entered: 11/02/2018)
11/02/2018	<u>38</u> (47 pgs)	Combined Objection to (related document(s): <u>24</u> Response filed by Defendant Federal National Mortgage Association, <u>28</u> Notice of Appearance filed by Defendant RCB Bank) <i>Combined Objection to Defendants RCB and Fannie Mae's Response and Motion to Dismiss For failure to Address Key Concerns of Their Attorneys Unlawfully Augmenting Credit on Judgment at Sheriff Sale and Other Violations of Law: Request to Convert Pleading to One for Summary Judgement Based on Controverted Fact Issues Not Developed Yet Through Discovery; and Suggestion of Questions to Ask in Discovery and to Certify to Oklahoma Supreme Court.</i> Filed by Alexander L. Bednar with Certificate of Service with Notice and Opportunity for Hearing, (jebe, ca) (Entered: 11/02/2018)
11/07/2018		Corrective Entry - Correction needed on docket entry 24 Response. The address for the filing attorney on this document is not the same as the address entered in the filing attorney's CM/ECF account. Local Rule 5005-1 C states that failure to maintain a current mailing address in CM/ECF is grounds for

		<p>deactivation of an attorney's CM/ECF account. You must update your CM/ECF user account information. Pursuant to Local Rule 9010-1 H, you must file a change of address in this case and all other active cases. If your login information is not corrected and if you have not filed a change of address in all active cases, or if you have not provided a written explanation to the Court Clerk's Office for your failure to act, by no later than the close of business on 11/8/18, your CM/ECF account will be deactivated. Correction due 11/8/2018. (bsm, ca) (Entered: 11/07/2018)</p>
11/07/2018	<p><u>39</u> (12 pgs)</p>	<p>Amended Complaint <i>Second Amended Complaint</i> by Alexander L. Bednar against all defendants with Certificate of Service. (RE: related document(s)<u>1</u> Adversary case 18-01096. (72 (Injunctive relief - other))} Complaint by Alexander L. Bednar against Franklin American Mortgage Company, Federal National Mortgage Association, Oklahoma County Sheriff. Exempt from fees. filed by Plaintiff Alexander L. Bednar). (jebe, ca) (Entered: 11/07/2018)</p>
11/08/2018	<p><u>40</u> (11 pgs; 2 docs)</p>	<p>Order <i>Denying Request for Emergency Relief</i> Signed by Judge Cornish. Time signed: 12:47 cc: All interested parties Service by JE Date: 11/8/2018 (RE: related document(s)<u>15</u> Request for Hearing filed by Plaintiff Alexander L. Bednar). (jebe, ca) (Entered: 11/08/2018)</p>

		11/08/2018)
11/08/2018	<u>41</u> (7 pgs)	Corrected Response to (related document(s): <u>1</u> Complaint filed by Plaintiff Alexander L. Bednar) and <i>Motion to Dismiss Adversary Proceeding</i> . Filed by Jim Timberlake of Baer & Timberlake PC on behalf of Federal National Mortgage Association with Brief in Support with Certificate of Service (Timberlake, Jim) (Entered: 11/08/2018)
11/09/2018	<u>42</u> (12 pgs; 2 docs)	Order Granting Motion to Dismiss Adversary Proceeding 5:2018-ap-1096-TRC (Related Doc # <u>34</u>) Adversary Proceeding Dismissed. With Prejudice , Granting Motion to Dismiss Adversary Proceeding 5:2018-ap-1096-TRC (Related Doc # <u>27</u>) Adversary Proceeding Dismissed. With Prejudice Signed by Judge Cornish. Time signed: 11:15 cc: All interested parties Service by je Date: 11/9/2018 (jebe, ca) (Entered: 11/09/2018)
11/10/2018	<u>43</u> (11 pgs)	BNC Certificate of Mailing. (RE: related document(s) <u>40</u> Order) No. of Notices: 4. Notice Date 11/10/2018. (Admin.) (Entered: 11/10/2018)
11/11/2018	<u>44</u> (13 pgs)	BNC Certificate of Mailing. (RE: related document(s) <u>42</u> Order on Motion to Dismiss Adversary Proceeding) No. of Notices: 4. Notice Date 11/11/2018. (Admin.) (Entered: 11/11/2018)
11/21/2018	<u>45</u> (4 pgs)	Appeal for BAP. Fee Amount \$293 Filed by Plaintiff Alexander L. Bednar

		(RE: related document(s) <u>40</u> Order, <u>42</u> Order on Motion to Dismiss Adversary Proceeding, Order on Motion to Dismiss Adversary Proceeding). Transmittal Due 11/26/2018. (tkan, ca) (Entered: 11/21/2018)
11/21/2018	<u>46</u> (3 pgs)	Notice of Appeal with Statement of Election to BAP Fee Amount \$5 with Certificate of Service Filed by Plaintiff Alexander L. Bednar (RE: related document(s) <u>40</u> Order, <u>42</u> Order on Motion to Dismiss Adversary Proceeding, Order on Motion to Dismiss Adversary Proceeding). Transmittal Due 11/26/2018. (tkan, ca) (Entered: 11/21/2018)
11/21/2018	<u>47</u> (15 pgs)	Appellant Designation of Contents For Inclusion in Record On Appeal with Certificate of Service Filed by Plaintiff Alexander L. Bednar (RE: related document(s) <u>45</u> Appeal, <u>46</u> Notice of Appeal). Appellee designation due 12/5/2018. Transmittal Due 11/26/2018. (tkan, ca) (Entered: 11/21/2018)
11/21/2018	<u>48</u> (1 pg)	Certificate of Service Filed by Alexander L. Bednar (RE: related document(s) <u>45</u> Appeal, <u>46</u> Notice of Appeal, <u>47</u> Appellant Designation). (tkan, ca) (Entered: 11/21/2018)
11/26/2018	<u>49</u>	<i>BAP Case Number WO- 18-99</i> (RE: related document(s) <u>45</u> Appeal filed by Plaintiff Alexander L. Bednar, <u>46</u> Notice of Appeal filed by Plaintiff Alexander L. Bednar) (mmorg, ca) (Entered: 11/26/2018)

11/30/2018	<u>50</u> (1 pg)	Request for Audio Disk by Alexander Bednar. Amount Paid \$31 Receipt Number 335373 Filed by Alexander L. Bednar (RE: related document(s) 33 Virtual Minute Entry). (aserj, ca) (Entered: 11/30/2018)
11/30/2018	<u>51</u> (1 pg)	Notice of Transcript Order On Hearing Filed by Alexander L. Bednar (RE: related document(s) 33 Virtual Minute Entry). (aserj, ca) (Entered: 11/30/2018)
11/30/2018	52	Preparation of a transcript of a hearing conducted before Judge Tom R. Cornish on 11/1/2018 has been assigned to: eScribers LLC who may be contacted at operations@escribers.net. Preparation time for completion of the transcript will not begin until a deposit has been paid to the transcriptionist. The audio/video file has been uploaded and the log notes, docket sheet, party names, and exhibit list, if any, have been transmitted to the transcriptionist. (Sewell, Sheila) (Entered: 11/30/2018)
11/30/2018		Court Correction Advisory: Docket Entry 24 Response: <i>The Certificate of Service for this document and docket entry 34, Motion to Dismiss, reflects that Alexander Bednar received a Notice of Electronic Filing. Mr. Bednar noted that he is not an ECF registrant, he does not receive Notices of Electronic Filing, and that the certificate is not in compliance with this Courts Local Rules. A corrective entry should have been</i>

		<i>docketed regarding this Certificate of Service. In the future, certificates of service must be filed in accordance with Local Rules. No further action is needed at this time. (Sewell, Sheila) (Entered: 11/30/2018)</i>
11/30/2018		Court Correction Advisory: Docket Entry 50 Request for Audio Disk: <i>The audio disk requested by DE 50 was prepared today and left at the Front Counter to be retrieved by the filer. No further action is needed at this time. (Sewell, Sheila) (Entered: 11/30/2018)</i>